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UBIQUITI NETWORKS INC. and UBIQUITI
NETWORKS INTERNATIONAL LIMITED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SYNOPSYS, INC.,

Plaintiff,

v.

UBIQUITI NETWORKS, INC., UBIQUITI
NETWORKS INTERNATIONAL LIMITED,
CHING-HAN TSAI, and DOES 1-20,
inclusive,

Defendants.

UBIQUITI NETWORKS, INC. and UBIQUITI
NETWORKS INTERNATIONAL LIMITED,

Counterclaimants,

v.

SYNOPSYS, INC.,

Counterdefendant.

Case No. 3:17-cv-00561-WHO (LB)

**DECLARATION OF WENDY J.
RAY IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT**

1 I, Wendy J. Ray, declare:

2 1. I am a partner at the law firm of Morrison & Foerster LLP and counsel of record
3 for Defendants and Counterclaimants Ubiquiti Networks, Inc. and Ubiquiti Networks
4 International Limited (collectively, "UBNT") in the above-captioned matter. I am admitted to
5 practice law in the State of California and before this Court. I submit this declaration in support
6 of UBNT's Motion for Summary Judgment. I have personal knowledge of the facts stated in
7 this declaration. If called upon as a witness, I could and would competently testify to the truth
8 of each statement herein.

9 2. Attached as Exhibit A is a true and correct copy of Ubiquiti Networks, Inc.'s
10 Form 10-Q for the quarterly period ended September 30, 2013 bearing Bates stamps
11 UBNT00001082-UBNT00001132, which was authenticated by Mr. Kevin Radigan during
12 deposition on April 26, 2018 at 233:22-234:11.

13 3. Attached as Exhibit B is a true and correct copy of Ubiquiti Networks, Inc.'s
14 entity chart bearing Bates stamp UBNT00135044, which was produced by Ubiquiti Networks,
15 Inc. on June 21, 2018.

16 4. Attached as Exhibit C is a true and correct copy of excerpts from the deposition
17 transcript of Norm Kelly, dated July 24, 2018.

18 5. Attached as Exhibit D is a true and correct copy of excerpts from the deposition
19 transcript of William Bergman, dated April 4, 2018.

20 6. Attached as Exhibit E is a true and correct copy of excerpts from the deposition
21 transcript of Kevin Radigan, dated April 26, 2018.

22 7. Attached as Exhibit F is a true and correct copy of excerpts from the deposition
23 transcript of Gary Schulz, dated April 11, 2018.

24 8. Attached as Exhibit G is a true and correct copy of excerpts from the deposition
25 transcript of Hartley Nisenbaum, dated May 25, 2018.

26 9. Attached as Exhibit H is a true and correct copy of excerpts from the deposition
27 transcript of Ching-Han Tsai, dated April 15, 2018.

28 10. Attached as Exhibit I is a true and correct copy of Exhibit 61 to Sheng-Feng

1 (Woody) Wang's deposition, which was authenticated by Mr. Wang in deposition on April 13,
2 2018 at 91:8-18.

3 11. Attached as Exhibit J is a true and correct copy of excerpts from the deposition
4 transcript of Rajendra Kundapur, dated February 2, 2018.

5 12. Attached as Exhibit K is a true and correct copy of excerpts from the deposition
6 transcript of Rajendra Kundapur, dated July 18, 2018.

7 13. Attached as Exhibit L is a true and correct copy of the document titled "License
8 Compliance Review FY'13 & '14 Results Taiwan Summary & Proposal" by Norm Kelly, dated
9 May 26, 2014, bearing Bates stamps SNPS00002059.001-49, which was authenticated by Mr.
10 Kelly in deposition on July 25, 2018 at 24:21-25:25.

11 14. Attached as Exhibit M is a true and correct copy of excerpts from the deposition
12 transcript of Bart Hanlon, dated August 2, 2018.

13 15. Attached as Exhibit N is a true and correct copy of excerpts from the deposition
14 transcript of Ted Miracco, dated July 30, 2018.

15 16. Attached as Exhibit O is a true and correct copy of an email from Norm Kelly to
16 Huub van Buchem, et al., dated June 25, 2016, bearing Bates stamps SNPS00000348-66, which
17 was produced by Synopsys on December 1, 2017.

18 17. Attached as Exhibit P is a true and correct copy of the document titled "Call-
19 Home Functional Specification Document" by Rajendra Kundapur with the file name "Call-
20 Home Spec Phase 2 (V.i. Labs Version – 5-16.12).docx" bearing Bates stamps REV08916-46,
21 which was authenticated by Mr. Kundapur in deposition on July 18, 2018 at 322:11-323:6 and
22 by Mr. Hanlon in deposition on August 2, 2018 at 149:19-150:9.

23 18. Attached as Exhibit Q is a true and correct copy of excerpts of the Response to
24 Ubiquiti Networks, Inc.'s Second Set of Interrogatories to Synopsys, Inc., dated March 2, 2018.

25 19. Attached as Exhibit R is a true and correct copy of excerpts from the deposition
26 transcript of Stephen Edwards, dated September 28, 2018.

27 20. Attached as Exhibit S is a true and correct copy of excerpts of the document
28 VCS®/VCSi™ User Guide, F-2011.12-SP1-11, dated May 2013 bearing Bates stamps

SNPS0035483-SNPS0036862, which was produced by Synopsys on May 25, 2018.

21. Attached as Exhibit T is a true and correct copy of the Declaration of Stuart G. Stubblebine, dated October 10, 2018.

22. Attached as Exhibit U is a true and correct copy of Expert Report of Dr. Stephen Edwards, dated August 3, 2018.

23. Attached as Exhibit V is a true and correct copy of excerpts of the document titled C/C++Function Reference, FlexNet Publisher Licensing Toolkit 11.8 bearing Bates stamps SNPS0026406-SNPS0026945, which was authenticated by Dr. Edwards in deposition on September 28, 2018 at 267:3-14 and which was produced by Synopsys on May 25, 2018.

24. Attached as Exhibit W is a true and correct copy of the document titled Synopsys Common Licensing (SCL) Developers Guide, dated January 7, 2008 bearing Bates stamps SNPS0047475-SNPS0047514, which was authenticated by Mr. Kundapur in deposition on July 18, 2018 at 414:7-19.

25. Attached as Exhibit X is a true and correct copy of Adam D. Fuller, *Extraterritorial Implications of the Digital Millennium Copyright Act*, 35 Case W. Res. J. Int'l L. 89 (2003).

26. Attached as Exhibit Y is a true and correct copy of Senate Report No. 105-190.

27. Attached as Exhibit Z is a true and correct copy of Plaintiff Synopsys, Inc.'s Second Supplemental Responses to Defendant Ubiquiti Networks, Inc.'s First Set of Interrogatories, dated March 2, 2018.

28. Attached as Exhibit AA is a true and correct copy of excerpts of the deposition transcript of Daniel E. Roffman, dated September 5, 2018.

29. Attached as Exhibit BB is a true and correct copy of excerpts of Defendant Ubiquiti Networks International Limited's Third Amended Responses to Synopsys, Inc.'s Second Set of Interrogatories, dated July 27, 2018.

30. Attached as Exhibit CC is a true and correct copy of Senate Report No. 97-274.

31. Attached as Exhibit DD is a true and correct copy of House of Representatives Report No. 97-495.

32. Attached as Exhibit EE is a true and correct copy of Congressional Record at H 1950.

33. Attached as Exhibit FF is a true and correct copy of Gregory P. Joseph, Civil RICO a Definitive Guide 41 (ABA 2015).

34. Attached as Exhibit GG is a true and correct copy of the document bearing Bates stamp UBNT00000141, which was produced by Ubiquiti Networks, Inc. on December 11, 2017.

35. Attached as Exhibit HH is a true and correct copy of House of Representatives Report No. 98-894.

36. Attached as Exhibit II is a true and correct copy of 5 Nimmer on Copyright § 15.05 (2017).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Los Angeles, California, this 10th day of October, 2018.

Dated: October 10, 2018

JENNIFER LEE TAYLOR
STACEY M. SPRENKEL
JOYCE LIOU
AMANDA D. PHILLIPS
WENDY J. RAY
MORRISON & FOERSTER LLP

By: /s/ Wendy J. Ray
WENDY J. RAY

Attorneys for Defendants
UBIQUITI NETWORKS, INC. and
UBIQUITI NETWORKS
INTERNATIONAL LIMITED